

Appl. No. 09/901,894  
Amdt. dated September 18, 2003  
Reply to Office Action of April 18, 2003

### **REMARKS/ARGUMENTS**

By these amendments and remarks, it is submitted that the objections raised in the Office Action have been overcome.

The claims have all been amended to more clearly define the invention. Specifically, Claim 1 has been amended to emphasize that the system is a data acquisition system for collecting oil/gas production data from a plurality of geographically separated oil/gas production wells and for monitoring and controlling oil/gas well production and pumping equipment at individual oil/gas production wells.

In addition, claim 1 has been amended to include a data collection and control device adapted for and operatively connected to individual oil/gas well production and pumping equipment for collecting production data from individual oil/gas production wells, for collecting operating data of the oil/gas well production and pumping equipment and for controlling the individual oil/gas well production and pumping equipment.

As well, the claim has been further amended to reflect that the data collection and control device includes a processor for receiving the production data and operating data of the oil/gas well production and pumping equipment, for providing instructions to the oil/gas well production and pumping equipment and for reporting the production and operating data to a computer via a wired or wireless interface.

Claim 2 has been specifically amended to clarify that the computer can be either a central computer or a portable computer.

Claims 3-14 have been amended for clarity and consistency having regard to the amendments to claims 1 and 2.

Independent claim 15 and dependent claims 16 and 17 have been amended for consistency in view of the amendment to the previous claims.

New claim 18 has been added to the application.

Accordingly, claims 1-18 are pending herein.

All amendments are reasonably inferable from the specification as originally filed.

In response to the Examiner's objections regarding claims 1 through 17 under USC 102(e), Applicant submits that the claims as amended are patentably distinguished over US Patent 6,163,761 (Kent) as well as all the prior art of record.

Initially, Applicant notes that the Kent system is not in any way related to the collection of data or to the control of equipment related to the oil and gas industry. Rather, Kent is directed to "an automated production system, and in particular to an electronic production system and method for monitoring and controlling production in a facility" (see column 1, lines 20-24). More specifically, Kent relates to a system of collecting data within chemical plants.

The purpose and objectives of the Kent system are with respect to the collection and processing of data from a number of smaller processes within a larger process contained within a facility

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and wherein the smaller processes are inter-related with other smaller processes so as to define the larger process. As such, the Kent system is concerned with collecting and processing data across a number of different processes wherein such data may be centrally processed so as to provide a central display to assist the user in control of the overall process.

In contrast, the subject system collects data from a number of smaller processes (ie independent oil or gas wells) where the operation of one oil/gas well is not related to the operation of another oil/gas well. As a result, the user of the subject system is not concerned with the operation of another well as it pertains to the data collected from one well.

As a result, the two systems differ fundamentally with respect to the type of problem each are trying to solve. Specifically, the applicant system provides a solution to the problem of collecting data from a number of geographically distributed oil/gas wells and controlling the operation of those oil/gas wells whereas the Kent system is obtaining and displaying process data within a facility for examining the operation of an overall process involving many smaller processes.

As such, it is respectfully submitted that none of the claims are anticipated by Kent by virtue of the limitation in amended claim 1 that requires operative connection to individual oil/gas well production and pumping equipment. Further still, claim 1 is distinguished from Kent by virtue of the clarifying limitations that define the system in terms of operative connection to oil and gas wells.

Moreover, it is respectfully submitted that the novel system as defined in amended claim 1 is non-obvious in view of the Kent reference. That is, there is no suggestion or teaching within the Kent reference indicating that it is either desirable or possible to adapt the Kent system to be able to collect data from or otherwise control oil/gas production pumping equipment. Accordingly, it is submitted that claim 1 and dependent claims 2-14 are patentably distinguished over this reference.

With respect to the Examiner's rejection of independent claim 15, applicant has similarly amended this claim to specifically refer to a data acquisition system that is adapted for and operatively attached to oil/gas well production equipment. On the basis that Kent does not consider or suggest a system used in oil/gas production, it is submitted that the system as defined in claim 15 is both novel and inventive in view of Kent. In particular, it is submitted that Kent does not teach or suggest an oil/gas well production database.

With respect to independent claim 16, claim 16 has been amended to specifically refer to a method of collecting data from an oil/gas production well which, again, is neither suggested nor taught in Kent. Accordingly, as above, it is believed that claims 16-17 are patentably distinguished over the Kent reference.

Additionally, in response to Examiner's objection to original claims 8 and 14, paraphrasing Kent Col. 3 lines 32-36, Applicant respectfully submits that Kent is not suggesting that the facility management system automatically feeds back to control the data sources, but that the automatic feedback of the facility management system to the electronic production system is for the purpose of adjusting the flow of information arising from the data sources (Col 6, lines 16-42, and Col. 7, line 53-Col. 8 line 11). Any functional feedback to production equipment requires human intervention in Kent's system. By contrast, Applicant's system automatically monitors the ongoing operation of the well, performing automatic adjustments as necessary, and may also be adjusted via operator input. As detailed in paragraph 26, Applicant's invention will automatically

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start and stop or adjust the speed of the well as necessary, requiring a feedback system to the well with automated operational control over the pumping equipment as required in new claim 18.

With respect to the Examiner's objections to the drawings, corrected drawings will be forwarded upon receipt of notification of allowable subject matter.

In view of the foregoing amendments and remarks, it is hoped that this case may now pass to allowance.

Respectfully submitted



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ARH/ldk  
Enclosure  
1. Two-month Extension of Time